



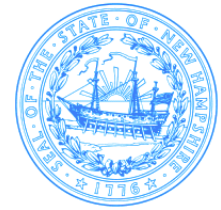
THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF ENVIRONMENTAL SERVICES  
LAND RESOURCES MANAGEMENT  
**WETLANDS BUREAU**

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Website: <http://des.nh.gov/organization/divisions/water/wetlands>

Application Status & Permit Copies: <http://des.nh.gov/onestop>

Wetland Rules Link: <http://des.nh.gov/organization/commissioner/legal/rules/index.htm#wetlands>



## PERMIT APPLICATION - GUIDANCE DOCUMENT A MINIMUM IMPACT PROJECT TYPES

PLEASE DO NOT SUBMIT THIS DOCUMENT WITH YOUR APPLICATION

### INSTRUCTIONS:

1. Review the bulleted headings below for (a) Minimum Impact Project Type(s) that describe your project;
2. Review the criteria listed below the heading for your Minimum Impact Project Type(s);
3. If you do not see a Minimum Impact Project Type that describes your project or your project does not meet the listed criteria, your project is "**Minor**" or "**Major**" and will be reviewed in the "**Standard Review**" time frame.
4. If your project meets the criteria for one or more Minimum Impact Project Types below, your project is "**Minimum**" and will be reviewed in the "**Expedited Review**" time frame. With exception of:
  - After-the-fact projects meaning, construction of the project began before this application was submitted, or
  - If your project will occur in a town/city that does not have a conservation commission or the conservation commission has or will not sign the application form (no. 10 on Permit Application).

These projects are "**Minimum**" and will be reviewed in the "**Standard Review**" time frame.

*Please be advised that the entirety of your project must meet the criteria of one or more of the Minimum Impact Project Types to qualify as Minimum Impact and for Expedited Review. If your project meets any criteria listed in Env-Wt 303.02, Major Impact Rules or Env-Wt 303.02, Minor Impact Rules, and does not fully meet the Minimum Impact Project Types listed below, your project will be reviewed as Major or Minor Impact and in the Standard Review time.*

### MINIMUM IMPACT PROJECT TYPES

#### ➤ **Less than 3,000 square feet of Swamp or Wet Meadow Impact**

Env-Wt 303.04 (f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows, provided:

1. There no previous department permit has placed restrictions on the property of the applicant;
2. Does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
3. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:*  
[http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
4. The proposed project has **not** been identified by Natural Heritage Bureau (NHB) as an exemplary natural community, and/or does not have documented occurrences of state or federally listed endangered or threatened species **OR** I have received information (the *NHB DataCheck Results* Letter) from NHB and/or the NH Fish and Game Department providing me with recommendations to avoid potential impacts. *NHB DataCheck Link:* [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/)

➤ **Access - Stream Crossing for Single Family Residential, Noncommercial Recreational, Conservation or Agricultural**

Note: Stream rule information is NOT required for this project type.

Env-Wt 303.04(z) Installation of a stream crossing and associated fill to permit vehicular access to a piece of property for a single family building lot, for noncommercial recreational uses including conservation projects, or for normal agricultural operations, provided:

1. The lot is not a result of a recent subdivision and subdivision of the lot is not proposed;
2. The total jurisdictional impact shall not exceed 3,000 square feet;
3. The roadway width at the crossing shall not exceed 20 feet;
4. The fill width, measured at toe of roadway side slopes, shall be minimized, for example, by making the sideslopes steeper and constructing walls, and not exceed 50 feet;
5. Fill for any single wetland crossing shall not exceed 60 feet in length, measured along the centerline of the proposed access way;
6. If crossing swamps or wet meadows, cross those that have no standing water for 10 months of the year.
7. If installing a NEW stream crossing, the contributing watershed size of the stream is equal to or less than 200 acres.
8. If repairing, rehabilitating or replacing a stream crossing, the crossing is located on a watercourse where the contributing watershed of the stream, above the crossing, is less than 640 acres. *Determine your watershed size at USGS StreamStats:* [http://water.usgs.gov/osw/streamstats/new\\_hampshire.html](http://water.usgs.gov/osw/streamstats/new_hampshire.html)
9. The project does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
10. The project is not located in or within 100 feet of prime wetlands.  
*Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
11. The proposed project has **not** been identified by Natural Heritage Bureau (NHB) as an exemplary natural community, and/or does not have documented occurrences of state or federally listed endangered or threatened species **OR** I have received information (the *NHB DataCheck Results* Letter) from NHB and/or the NH Fish and Game Department providing me with recommendations to avoid potential impacts. *NHB DataCheck Link:* [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/)

➤ **Access - New Tier 1 Stream Crossing**

Env-Wt 303.04(ah) Tier 1 stream crossing, provided:

1. The crossing is located on a watercourse where the contributing watershed size, above the crossing, is less than or equal to 200 acres. *Determine your watershed size at USGS StreamStats:* [http://water.usgs.gov/osw/streamstats/new\\_hampshire.html](http://water.usgs.gov/osw/streamstats/new_hampshire.html)
2. The project does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
3. The project is not located in or within 100 feet of prime wetlands.  
*Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm);
4. The proposed project has **not** been identified by Natural Heritage Bureau (NHB) as an exemplary natural community, and/or does not have documented occurrences of state or federally listed endangered or threatened species **OR** I have received information (the *NHB DataCheck Results* Letter) from NHB and/or the NH Fish and Game Department providing me with recommendations to avoid potential impacts. *NHB DataCheck Link:* [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/)
5. The crossing is sized so as to accommodate the greater of the 50-year frequency flood;
6. The crossing is not within a Designated River corridor; *Designated River Link:* <http://des.nh.gov/organization/divisions/water/wmb/rivers/designriv.htm>
7. The crossing is not on a watercourse that is listed on the surface water assessment 305(b) report in effect at the time of application as not attaining surface water quality standards for aquatic life based on one or more of the following:
  1. Benthic macroinvertebrates index of biological integrity;
  2. Habitat assessment;
  3. Stream channel stability; or
  4. Fish assemblage index or biological integrity*Link:* <http://des.nh.gov/organization/divisions/water/wetlands/documents/impairments-tier3.pdf>
8. The crossing is not within a 100-year flood plain  
*NHOEP link:* <http://www.nh.gov/oep/programs/floodplainmanagement/maps.htm>
9. The crossing does not have a history of causing or contributing to flooding that damages the crossing or other human infrastructure;
10. The stream crossing is designed and constructed so as to:
  - a. Not diminish the hydraulic capacity of the crossing;
  - b. Not diminish the capacity of the crossing to accommodate aquatic life passage;
  - c. Not be a barrier to sediment transport;
  - d. Prevent the restriction of high flows and maintain existing low flows;

- e. Not obstruct or to otherwise substantially disrupt the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction;
- f. Not cause an increase in the frequency of flooding or overtopping of banks;
- g. Preserve watercourse connectivity where it currently exists;
- h. Restore watercourse connectivity where connectivity previously was disrupted as a result of human activities; and where restoration of connectivity will benefit aquatic life upstream or downstream of the crossing or both;
- i. Not cause erosion, aggradation, or scouring upstream or downstream of the crossing;
- j. Not cause water quality degradation.

➤ **Less than 50 linear feet of intermittent stream impacts, excluding permanent stream crossings**

Env-Wt 303.04(n) Any project that alters the course of or disturbs less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks, provided:

- 1. Construction is performed during periods of non-flow;
- 2. Does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
- 3. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm) ;
- 4. The proposed project has **not** been identified by Natural Heritage Bureau (NHB) as an exemplary natural community, and/or does not have documented occurrences of state or federally listed endangered or threatened species **OR** I have received information (the *NHB DataCheck Results* Letter) from NHB and/or the NH Fish and Game Department providing me with recommendations to avoid potential impacts. *NHB DataCheck Link:* [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/)

➤ **Access - Temporary Stream Crossings for Utility Lines**

Note: Stream rule information is NOT required for this project type.

Env-Wt 303.04 (i) Construction of a temporary crossing of a brook, stream, or river for the construction or maintenance of utility pipes or lines, provided:

- 1. The crossing is removed within 2 years of the date the permit by notification under RSA 482-A:3, XV is issued by the department, provided that if weather conditions preclude the removal of the crossing when the work is completed, the crossing may remain in place until weather conditions allow its removal;
- 2. The crossing does not access property that has been converted from forestry uses to non-forestry uses, except that forestry uses may be combined with normal agricultural operations or trail construction or maintenance, or both;
- 3. The project does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, tidal buffer zone or involve any work within 50 feet of a salt marsh;
- 4. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
- 5. The project has **not** been identified by Natural Heritage Bureau (NHB) as an exemplary natural community, and/or does not have documented occurrences of state or federally listed endangered or threatened species **OR** I have received information (the *NHB DataCheck Results* Letter) from NHB and/or the NH Fish and Game Department providing me with recommendations to avoid potential impacts. *NHB DataCheck Link:* [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/)

➤ **Residential Utility Line Installation**

Env-Wt 303.04(ae) Installation of residential utility lines and associated temporary impacts to bring utility services to a single family building lot, provided:

- 1. The total jurisdictional impact shall not exceed 3,000 square feet;
- 2. The impact width at the crossing shall not exceed 20 feet;
- 3. If crossing a stream, cross channels less than 8 feet wide measured bank to bank;
- 4. If crossing swamps or wet meadows, cross those that have no standing water for 10 months of the year; and
- 5. All disturbed areas are regraded to original contours and stabilized within 72 hours following completion of work;
- 6. Does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
- 7. The project is not located in or within 100 feet of prime wetlands *Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
- 8. The proposed project has not been identified by Natural Heritage Bureau (NHB) as an exemplary natural community, and/or does not have documented occurrences of state or federally listed endangered or threatened species **OR** I have received information (the *NHB DataCheck Results* Letter) from NHB and/or the NH Fish and Game Department providing me with recommendations to avoid potential impacts; *NHB DataCheck Link:* [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/)

➤ **Public Road Right-of-Way**

Env-Wt 303.04(j) Any project that is located within the right-of-way of a public highway, provided the project:

1. Does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
2. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
3. The proposed project has **not** been identified by Natural Heritage Bureau (NHB) as an exemplary natural community, and/or does not have documented occurrences of state or federally listed endangered or threatened species **OR** I have received information (the *NHB DataCheck Results* Letter) from NHB and/or the NH Fish and Game Department providing me with recommendations to avoid potential impacts. *NHB DataCheck Link:* [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/)
4. Drainage structures do not exceed 3,000 square feet of dredge or fill in area;
5. Swamps or wet meadows crossed that have no standing water for 10 months of the year;
6. Fill for any single crossing shall not exceed 50 feet in length, measured along the roadway;
7. The fill width, measured at the base of the roadway side slopes, shall be minimized, and shall not exceed 50 feet;
8. Shoulder widening shall not exceed 3 cubic yards of fill per linear foot in wetlands that have no standing water for 10 months of the year, and shall not exceed 10 feet of additional encroachment measured from base of slope.
9. Any stream crossing work qualifies as minimum impact under Env-Wt 903.01(e), including:
  - a. Is a new stream crossing on a watercourse with a watershed size less than or equal to 200 acres or a repair, replacement or rehabilitation of a stream crossing on a watercourse with a watershed size less than 640 acres. *Determine your watershed size using USGS StreamStats:* [http://water.usgs.gov/osw/streamstats/new\\_hampshire.html](http://water.usgs.gov/osw/streamstats/new_hampshire.html)
  - b. Is not within a Designated River corridor; Designated Rivers *Link:* <http://des.nh.gov/organization/divisions/water/wmb/rivers/designriv.htm>
  - c. Is not on a watercourse that is listed on the surface water assessment 305(b) report in effect at the time of application as not attaining surface water quality standards for aquatic life based on one or more of the following:
    - a.) Benthic macroinvertebrates index of biological integrity;
    - b.) Habitat assessment;
    - c.) Stream channel stability; or
    - d.) Fish assemblage index or biological integrity*Link:* <http://des.nh.gov/organization/divisions/water/wetlands/documents/impairments-tier3.pdf>
  - d. Within a 100-year flood plain  
*NHOEP link:* <http://www.nh.gov/oep/programs/floodplainmanagement/maps.htm>
  - e. The crossing does not have a history of causing or contributing to flooding that damages the crossing or other human infrastructure;
  - f. The replacement crossing is same size and type as the existing stream crossing; OR is an upgrade of the existing stream crossing, for example by replacing a closed-bottom culvert that did not have stream simulation with a span, or with a pipe arch or culvert with stream simulation.
  - g. The stream crossing shall be designed and constructed so as to:
    - i. Not diminish the hydraulic capacity of the crossing;
    - ii. Not diminish the capacity of the crossing to accommodate aquatic life passage;
    - iii. Not be a barrier to sediment transport;
    - iv. Prevent the restriction of high flows and maintain existing low flows;
    - v. Not obstruct or to otherwise substantially disrupt the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction;
    - vi. Not cause an increase in the frequency of flooding or overtopping of banks;
    - vii. Preserve watercourse connectivity where it currently exists;
    - viii. Restore watercourse connectivity where: (1) connectivity previously was disrupted as a result of human activities; and (2) restoration of connectivity will benefit aquatic life upstream or downstream of the crossing or both;
    - ix. Not cause erosion, aggradation, or scouring upstream or downstream of the crossing;
    - x. Not cause water quality degradation.



➤ **Maintenance, Repair or Replacement of a Non-Docking Structure**

Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet, provided:

1. No change in location, configuration, construction type, or dimensions is proposed (excluding stream crossings);
2. The applicant certifies in writing that the structure, in its current location, configuration, construction type and dimensions was previously permitted by the department or would be considered grandfathered under Env-Wt 101.43 and has not been abandoned;
3. The project does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
4. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
5. The proposed project has **not** been identified by Natural Heritage Bureau (NHB) as an exemplary natural community, and/or does not have documented occurrences of state or federally listed endangered or threatened species **OR** I have received information (the *NHB DataCheck Results* Letter) from NHB and/or the NH Fish and Game Department providing me with recommendations to avoid potential impacts. *NHB DataCheck Link:* [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/)
6. Any stream crossing work qualifies as minimum impact under Env-Wt 903.01(e), including:
  - a. Is on a watercourse with a watershed size less than 640 areas.  
*Determine your watershed size using USGS StreamStats:*  
[http://water.usgs.gov/osw/streamstats/new\\_hampshire.html](http://water.usgs.gov/osw/streamstats/new_hampshire.html);
  - b. Is not within a Designated River corridor; *Designated Rivers Link:*  
<http://des.nh.gov/organization/divisions/water/wmb/rivers/designriv.htm>
  - c. Is not on a watercourse that is listed on the surface water assessment 305(b) report in effect at the time of application as not attaining surface water quality standards for aquatic life based on one or more of the following:
    1. Benthic macroinvertebrates index of biological integrity;
    2. Habitat assessment;
    3. Stream channel stability; or
    4. Fish assemblage index or biological integrity*Link:* <http://des.nh.gov/organization/divisions/water/wetlands/documents/impairments-tier3.pdf>
  - d. Is not within a 100-year flood plain  
*NHOEP link:* <http://www.nh.gov/oep/programs/floodplainmanagement/maps.htm>
  - e. The crossing does not have a history of causing or contributing to flooding that damages the crossing or other human infrastructure;
  - f. The replacement crossing is same size and type as the existing stream crossing; OR is an upgrade of the existing stream crossing, for example by replacing a closed-bottom culvert that did not have stream simulation with a span, or with a pipe arch or culvert with stream simulation.
  - g. The stream crossing shall be designed and constructed so as to:
    - i. Not diminish the hydraulic capacity of the crossing;
    - ii. Not diminish the capacity of the crossing to accommodate aquatic life passage;
    - iii. Not be a barrier to sediment transport;
    - iv. Prevent the restriction of high flows and maintain existing low flows;
    - v. Not obstruct or to otherwise substantially disrupt the movement of aquatic life indigenous to the waterbody beyond the actual duration of construction;
    - vi. Not cause an increase in the frequency of flooding or overtopping of banks;
    - vii. Preserve watercourse connectivity where it currently exists;
    - viii. Restore watercourse connectivity where: (1) connectivity previously was disrupted as a result of human activities; and (2) restoration of connectivity will benefit aquatic life upstream or downstream of the crossing or both;
    - ix. Not cause erosion, aggradation, or scouring upstream or downstream of the crossing;
    - x. Not cause water quality degradation.

➤ **Maintenance Dredging of Man-Made Structures**

Env-Wt 303.04(k) Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways, provided that:

1. The work is done within the original bounds of a legally-constructed project;
2. The work does not exceed 20,000 square feet;
3. For man-made ponds, the pond has not been abandoned as defined in Env-Wt 101.01.
4. Does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh.
5. The project is not located in or within 100 feet of prime wetlands.  
*Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)

6. The proposed project has **not** been identified by Natural Heritage Bureau (NHB) as an exemplary natural community, and/or does not have documented occurrences of state or federally listed endangered or threatened species **OR** I have received information (the *NHB DataCheck Results* Letter) from NHB and/or the NH Fish and Game Department providing me with recommendations to avoid potential impacts. *NHB DataCheck Link:* [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/)

➤ **Pond Construction**

Env-Wt 303.04(p) Construction of a pond with less than 20,000 sq. ft. of wetlands impact, provided:

1. None of the wetlands have very poorly drained soil as defined in Env-Ws 1002.84;
2. There are no streams into or out of the proposed pond site;
3. Does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
4. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
5. The proposed project has **not** been identified by Natural Heritage Bureau (NHB) as an exemplary natural community, and/or does not have documented occurrences of state or federally listed endangered or threatened species **OR** I have received information (the *NHB DataCheck Results* Letter) from NHB and/or the NH Fish and Game Department providing me with recommendations to avoid potential impacts. *NHB DataCheck Link:* [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/)

➤ **Dry Hydrant Installation**

Env-Wt 303.04(w) Excavation of less than 10 linear feet within the bank and bed of a surface water that does not exceed 200 square feet in total jurisdictional impact to the bed, for installation of a dry hydrant, provided:

1. Does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
2. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
3. The proposed project has **not** been identified by Natural Heritage Bureau (NHB) as an exemplary natural community, and/or does not have documented occurrences of state or federally listed endangered or threatened species **OR** I have received information (the *NHB DataCheck Results* Letter) from NHB and/or the NH Fish and Game Department providing me with recommendations to avoid potential impacts. *NHB DataCheck Link:* [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/)

➤ **Retaining Walls on Lake or Pond**

Env-Wt 303.04(c) Repair or replacement of existing retaining walls, provided:

1. Work is performed entirely "in the dry" during drawdown of waters;
2. That results in no change in height, length, location, or configuration;
3. If a wall is to be refaced such additional width shall not exceed 6 inches;
4. Does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
5. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
6. The proposed project has **not** been identified by Natural Heritage Bureau (NHB) as an exemplary natural community, and/or does not have documented occurrences of state or federally listed endangered or threatened species **OR** I have received information (the *NHB DataCheck Results* Letter) from NHB and/or the NH Fish and Game Department providing me with recommendations to avoid potential impacts. *NHB DataCheck Link:* [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/)

➤ **Seasonal Dock**

Env-Wt 303.04(a) Construction or modification of a seasonal dock that meets the below criteria (Env-Wt 402):

1. Located in a lake or pond and does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
2. Provides no more than two slips, including previously existing slips;
3. Is standard configuration that is narrow, rectangular, and erected perpendicular to the shoreline;
4. Is designed and constructed to allow for a maximum of 2 feet of navigation space between a boat slip and any other structure or boat slip;
5. In lakes and ponds of 1,000 acres or more a seasonal dock with a deck width of 6 feet and deck length of 40 feet, measured from normal high water mark;
6. In lakes and ponds of less than 1,000 acres, for all docks a deck width of 6 feet and deck length of 30 feet, measured from normal high water mark;
7. The dimensions in 4 & 5 above may be exceeded when the department determines, based on information provided by the applicant, that:

- a. Application of the standard dimensions would represent a safety hazard due to wind or other weather conditions;
  - b. The property has a unique physical hardship, such as, insufficient water depth, not shared generally by nearby properties, that requires larger dimensions;
  - c. The applicant has a permanent disability that requires larger dimensions in order to safely use the water; or
  - d. Exception from the standard maximum dimensions by use of clustering of structures in one location would result in less environmental impact to the shoreline and water body than would standard dimensions.
8. If the property has less than 75-feet of shoreline frontage, the dock is no larger than 4 feet x 24 feet.
  9. Meets setback of submits waiver Env-Wt 402.04 Setbacks. As required by RSA 482-A:3, XIII(a), all docks shall be located at least 20 feet from any abutting property line or imaginary extension of the property line over surface water, unless the provisions of RSA 482-A:3, XIII(c) or (d) are met.
  10. Designed to be installed at the beginning and removed at the end of the boating season;
  11. Removed from the water for a minimum of 5 months of every calendar year;
  12. Designed and placed in the water so as not to obstruct navigation;
  13. Removed from the water for the purpose of applying paint, stain, or other preservatives; and
  14. Installed only if in compliance with RSA 482-A:3, IV-a or otherwise permitted under RSA 482-A.;
  15. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
  16. The proposed project **has not** been identified by Natural Heritage Bureau (NHB) as an exemplary natural community, and/or does not have documented occurrences of state or federally listed endangered or threatened species **OR** I have received information (the *NHB DataCheck Results* Letter) from NHB and/or the NH Fish and Game Department providing me with recommendations to avoid potential impacts. *NHB DataCheck Link:* [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/)

➤ **Anchoring Pad for Seasonal Dock**

Env-Wt 303.04(ab) Construction of an anchoring pad for a seasonal dock provided:

1. The pad shall be constructed landward of the high water line or full pond elevation;
2. The pad shall not exceed 7 feet in width or impact more than 10 linear feet along the bank, with the bank fully stabilized upon completion of construction;
3. Appropriate erosion, siltation, and turbidity control measures shall be installed and maintained to prevent any impacts to adjacent surface waters and those controls maintained until the site has stabilized;
4. Does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
5. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
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➤ **Maintenance, Repair or Replacement of an Existing Docking Structure**

Env-Wt 303.04(v) Maintenance, repair, and replacement in-kind of existing docking structures, such as breakwaters, docks, boat houses, piers, wharves, walkways, boat ramps, tie-off pilings, ice clusters, dolphins, or other docking facilities, provided:

1. No work is proposed that would be prohibited under RSA 482-A:26;
2. No change in location, configuration, construction type, or dimensions is proposed; and
3. The applicant certifies in writing that the existing structures would be considered grandfathered in their current configuration pursuant to Env-Wt 101.44 and have not been abandoned pursuant to Env-Wt 101.01 or Env-Wt 303.05(a)(4); or the existing structures have been constructed in accordance with a previously-issued wetlands permit and have not been abandoned pursuant to Env-Wt 101.01 or Env-Wt303.05 (a)(4);
4. Does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
5. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
6. The proposed project **has not** been identified by Natural Heritage Bureau (NHB) as an exemplary natural community, and/or does not have documented occurrences of state or federally listed endangered or threatened species **OR** I have received information (the *NHB DataCheck Results* Letter) from NHB and/or the NH Fish and Game Department providing me with recommendations to avoid potential impacts. *NHB DataCheck Link:* [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/)

➤ **Boatlift**

Env-Wt 303.04(ac) Installation of a seasonal boatlift in an existing grandfathered or legally-existing, permitted boat slip, provided the boatlift is:

1. Installed such that no additional boat slip is created by installation of the lift;
2. Removed during the non-boating season;
3. Located at least 20 feet from an abutting property line or the imaginary extension of the property line over the water;
4. Installed in a manner which requires no impact that would necessitate further permit action;
5. Does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
6. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:*  
[http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
7. The proposed project **has not** been identified by Natural Heritage Bureau (NHB) as an exemplary natural community, and/or does not have documented occurrences of state or federally listed endangered or threatened species **OR** I have received information (the *NHB DataCheck Results* Letter) from NHB and/or the NH Fish and Game Department providing me with recommendations to avoid potential impacts. *NHB DataCheck Link:* [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/)

➤ **Watercraft Lift**

Env-Wt 303.04(ad) Installation of a seasonal personal watercraft lift, provided the personal watercraft lift is:

1. Installed immediately adjacent to a dock, and in a legally-existing boat slip, or, if there are no other personal watercraft lifts on the frontage, a maximum of 2 lifts installed immediately adjacent to one another and along the owner's shoreline;
2. Removed during the non-boating season; and
3. Located at least 20 feet from an abutting property line or the imaginary extension of the property line over the water;
4. Does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
5. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:*  
[http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
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➤ **Beach Construction**

Env-Wt 303.04(d) Construction of a beach provided:

1. The beach shall serve a privately-owned single family residence;
2. No fill or dredge shall occur below the high water line or full pond elevation;
3. The total amount of dredge or fill shall not exceed 900 square feet;
4. The work shall not alter more than 20 percent of the applicant's contiguous shoreline up to a maximum of 50 feet; and
5. No more than 10 cubic yards of sand shall be used;
6. Does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
7. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:*  
[http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
8. The proposed project **has not** been identified by Natural Heritage Bureau (NHB) as an exemplary natural community, and/or does not have documented occurrences of state or federally listed endangered or threatened species **OR** I have received information (the *NHB DataCheck Results* Letter) from NHB and/or the NH Fish and Game Department providing me with recommendations to avoid potential impacts. *NHB DataCheck Link:* [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/)

➤ **Beach Replenishment**

Env-Wt 303.04(aa) Replenishment of sand on an existing beach, provided:

1. No sand shall be placed below the high water line or full pond elevation;
2. No more than 10 cubic yards of sand shall be used; and
3. The beach replenishment shall not exceed the limit of one replenishment in any 6 year period;
4. Does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;



5. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
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➤ **Shoreline of Lake or Pond**

This rule does not apply to docking structures.

Env-Wt 303.04(m) Projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or pond or its bank, provided:

1. Does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
2. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
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➤ **Aquatic Weeds - Cutting**

Env-Wt 303.04(q) Projects to control aquatic weeds by cutting above the roots and harvesting, provided

1. There is no mobilization of bottom sediments;
2. Does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
3. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
4. The proposed project has **not** been identified by Natural Heritage Bureau (NHB) as an exemplary natural community, and/or does not have documented occurrences of state or federally listed endangered or threatened species **OR** I have received information (the *NHB DataCheck Results* Letter) from NHB and/or the NH Fish and Game Department providing me with recommendations to avoid potential impacts. *NHB DataCheck Link:* [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/)

➤ **Aquatic Weeds - Control**

Env-Wt 303.04(r) Projects to control exotic aquatic weeds *Cabomba carolina* (fanwort) and/or *Myriophyllum heterophyllum* (exotic milfoil) as authorized by RSA 487:17, provided:

1. Work is conducted under the supervision of the department unless included in Env-Wt 303.05;
2. Does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
3. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
4. The proposed project has **not** been identified by Natural Heritage Bureau (NHB) as an exemplary natural community, and/or does not have documented occurrences of state or federally listed endangered or threatened species **OR** I have received information (the *NHB DataCheck Results* Letter) from NHB and/or the NH Fish and Game Department providing me with recommendations to avoid potential impacts. *NHB DataCheck Link:* [https://www2.des.state.nh.us/nhb\\_datacheck/](https://www2.des.state.nh.us/nhb_datacheck/)

➤ **Cofferdam Installation**

Env-Wt 303.04(l) Installation of temporary cofferdams (Temporary cofferdams means temporary watertight enclosures built in the water and pumped dry to expose the bottom so that construction may be undertaken) and other water control devices constructed in flowing water or adjacent to dams, provided:

1. Work occurs in conjunction with the repair or maintenance of existing structures;
2. All such work shall be designed and supervised by a professional engineer;
3. Water control devices are removed upon completion of repair and/or maintenance;
4. Does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
5. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
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➤ **Restoration**

Env-Wt 303.04(t) Restoration of altered or degraded wetlands provided the project:

1. Receives financial support and direct supervision of a New Hampshire state agency, the US Environmental Protection Agency, the US Army Corps of Engineers, the US Natural Resources Conservation Service, or the US Fish and Wildlife Service;
2. Shall not be used to perform restoration in cases where the applicant is subject to a removal or restoration order;
3. Does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
4. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
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➤ **Previously-Developed Upland Tidal Buffer Zone**

Env-Wt 303.04 (b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line unless they are major or minor as defined in Env-Wt 303.02 or Env-Wt 303.03, respectively.

1. Does not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, undisturbed tidal buffer zone or involve any work within 50 feet of a salt marsh;
2. The project is not located in or within 100 feet of prime wetlands. *Prime Wetlands Link:* [http://des.nh.gov/organization/divisions/water/wetlands/prime\\_wetlands.htm](http://des.nh.gov/organization/divisions/water/wetlands/prime_wetlands.htm)
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